



**MINUTES OF SPECIAL JOINT MEETING OF THE
CITY COUNCIL/REDEVELOPMENT AGENCY
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 26, 2005, 8:00 p.m.

MEETING

The Special Joint City Council/Redevelopment Agency Meeting was called to order by Mayor/Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led Council/RA Member Henson.

ROLL CALL

Present: COUNCIL/RA MEMBERS Quirk, Jimenez, Halliday, Ward, Dowling,
Henson
MAYOR/CHAIR Cooper
Absent: COUNCIL/RA MEMBERS None

PUBLIC COMMENTS

John Kyle read from a statement that gave his opinion on the affordable housing that is proposed to be constructed on a parcel on Saklan and North Lane and the AC bus lines currently serving that area and any other transportation service. He stated that transportation services were lacking in that area.

Liz Morales, a representative of COMPREE, spoke against T-shirts that are sold by Target and other stores that promote alcohol beverages. She felt that this was the wrong way to market towards young people.

Richard Valle, representing Tri-Ced and Curbcycle, reported several events that occurred this summer that included a survey that was conducted and an electronics recycling event.

Lou Flipovich, a resident of San Leandro, asked whether Hayward was a charter city and indicated that he would be speaking on the last item on this agenda.

Tiffany Cisco, representing Lyndon La Rocuche, Jr., commented on the collapse of industries in the United States and requested a resolution in support of General Motors. Mayor Cooper reiterated the City's policy on its jurisdictional authority.

Council Member Quirk announced that the City of Hayward was recognized as a Patriotic Employer for its excellence in supporting employees serving in the National Guard and reserves by the National Committee for Employer Support of the Guard and Reserve and the 91st Infantry Division. Hayward continues to pay its employees and insure employee benefits to those who serve in the Guard and Reserve. He showed the framed Certificate that the Council received.

CONSENT

Consent Items #1, 3, and 4 were removed for further discussion and separate vote.

1. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency Meeting of July 19, 2005

It was moved by Council/RA Member Ward, seconded by Council/RA Member Dowling, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of July 19, 2005 with revisions as requested by Council Member Halliday. The following were the revisions that were added, "She further clarified that the proposed project on Saklan Road will satisfy the requirements of the inclusionary ordinance for the quarry development. However, any additional credits to the developer for future developments have not yet been determined."

2. Adoption of Ordinances Related to General Plan Amendment PL-2005-0157, Zone Changes PL-2005-0158, and Authorizing Development Agreement related to the La Vista Quarry Development

Staff report submitted by City Clerk Reyes, dated July 19, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried unanimously, to adopt the following:

Ordinance 05-04, "An Ordinance Amending the Zoning Ordinance, Chapter 10, Article 1 of the Hayward Municipal Code, Relating to the Mission-Garin Area Special Design (SD-5) District"

Ordinance 05-05, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Prezoning Certain Territory in Connection with Zone Change Application PL-2005-0158 ZC Relating to the La Vista Quarry in the Mission-Garin Annexation Area"

Ordinance 05-06, "An Ordinance Authorizing Execution of a Development Agreement with La Vista, L.P., for Development of the La Vista Project"

3. Authorization to Participate in the Alameda County Operational Area Emergency Management Organization

Staff report submitted by Fire Department Administrative Analyst Jolly, dated July 19, 2005, was filed.

Council Member Jimenez requested that Fire Chief Arfsten further explain this proposed participation. Fire Chief Arfsten reported that there is no monetary cost for participating. Those fire departments that are members in Southern California will make resources available to the City in an emergency and there would be a quid pro quo.



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Council Member Henson clarified that there would also be resources and support from both State and National levels as part of this participation.

Council Member Jimenez then commended Fire Chief Arfsten for his efforts in making the image of the Hayward Fire Department a favorable one.

It was moved by Council Member Jimenez, seconded by Council Member Henson, and unanimously carried, to adopt the following:

Resolution 05-100, "Resolution Authorizing the City Manager to Execute an Agreement for Participation in the Alameda County Operational Area Emergency Management Organization"

4. Final Map Tract 7347 – Rajneesch and Shanima Salwan – Approval of Final Map, Authorize the City Manager to Execute a Subdivision Agreement

Staff report submitted by Development Review Engineer Gaber, dated July 19, 2005, was filed.

Barbara Field, adjacent property owner on D Street, noted that although she was not informed of this meeting, she reviewed the project and found it acceptable. She asked what type of retail space is planned and expressed her concerns that there are only six parking spaces. She reported that when she purchased the Victorian home, she constructed a wooden fence that was immediately vandalized with graffiti. She asked if the City could require that the adjacent property owners build fences to match the existing fences and provide appropriate lighting to prevent potential gang activity. She also asked that the developer provide safety and security during construction.

City Attorney O'Toole advised that this is a ministerial action and any further stipulations on the developer would be beyond the Council's jurisdiction. However, staff can work with the developer to address her concerns.

Principal Planner Patenaude reported that the public hearing notice for the Planning Commission was appropriately sent to the speaker's father at a Sausalito address. He indicated that it was the Planning Commission's recommendation for new wood fencing to be replaced completely around the property.

Council Member Dowling asked that perhaps staff could meet with Ms. Field to respond to any additional questions she might have. He stated that the Planning Commission approved this project in 2003 and it was not brought before the City Council. He was disappointed in the architecture and asked for a copy of the plans.

It was moved by Council Member Ward, seconded by Council Member Dowling, and unanimously carried, to adopt the following:

Resolution, 05-101, “Resolution Approving the Final Map for Tract 7347 and Authorizing the City Manager to Execute Subdivision Agreement and Other Necessary Documents”

PUBLIC HEARING

5. Zone Change PL-2005-0223 ZC – Request to Change the Zoning to Planned Development District for a Retail Center Consisting of a Target Store, Junior Anchor Store, and Three Detached Retail Buildings on Approximately 13 Acres – Browman Development Company, Inc. (Applicant), City of Hayward (Owner) – The Project is Located on Hesperian Boulevard between West A Street and Golf Course Road

Staff report submitted by Principal Planner Patenaude, dated July 19, 2005, was filed.

Principal Planner Patenaude made the report, depicting the project and confirmed that it was consistent with the City’s goals and policies related to the General Plan and the Airport Master Plan. There will be a classic architectural theme with a soft Mediterranean color palette to the project. There would be a Target Store and a junior anchor store, as well as smaller retail stores with four driveways. To address another issue, a condition has been imposed on Target that no alcohol sales would be permitted. He noted that additional site plan reviews will be scheduled.

Council Member Jimenez asked how much sales tax revenue would be generated annually from this project. Public Works Director Butler noted that discussions with the developer, estimated an excess of \$400,000 annually in sales tax may be generated from this project. In response to a second question from Council Member Jimenez, he also reviewed the parking situation at Kennedy Park. Public Works Director Butler stated that Kennedy Park has been dependent on overflow parking at the former Festival Cinema lot and the City has allowed HARD to lease and fence off for parking on a month to month lease with the understanding that there were long-term redevelopment plans. There are a total of 61 additional spaces that will be added by the developer to alleviate the parking situation. A study of other similar stores on the weekends showed the need for a parking ratio of 335 spaces and this project provides over 600 spaces for the Target project.

Council Member Henson asked that staff discuss the infrastructure improvements. Public Works Director Butler reported that the West A Street improvement project is part of the City’s Capital Improvement Program. It has been on the City’s lists for improvements as part of the project that addresses improvements to entrances into the City’s industrial parks.

Council Member Henson asked about the diagonal parking that will be implemented and the study. He also asked about solutions to shopping cart proliferation that detracts from the overall ambience. Public Works Director Butler also discussed the issue related to Golf Course Road and noted that there is currently full access, but the proposal will be a right in and a right out. He highlighted Condition #64 that requires the City to monitor that for six months and commit to work with the owner and the



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Skywest Homeowners' Association. The economics of this project prohibits the construction of a suggested rooftop parking.

In regards to shopping cart issues, Principal Planner Patenaude reported that there will be a storage area behind landscaped planters and stored off the parking lot, hidden behind architectural features. He noted that the shopping cart ordinance is in effect and the developer is subject to compliance and could be addressed in the review of the development and precise plan.

Council asked that staff include a condition that requires the developer to clear up the park for shopping carts and recommended a weekly sweep through the residential area to remove shopping carts.

Council Member Ward discussed the potential parking usage as compared to the trip data from the former cinema. Traffic Engineer Farad Iranitalab reported that staff studied the directional traffic on Hesperian and noted that 30% is coming from the north and 30% coming from the south and 27 % from the east of A Street. The two driveways will be a right out and divided equally. There was discussion on egress and ingress to the project.

Council Member Ward inquired on the issue of hazardous materials on the site and the timing for clearing it for this project's completion. Public Works Director Butler reported that Phase I and Phase II are complete and the only contamination to the site is ground water contamination that exists from a former gas station that was across the street. The current gas station on site has installed new replacement tanks and since cleared of contaminants. Public Works Director Butler stated that the existing contamination will be a joint effort with the regional board as well as the developer. Neither the City nor the developer will be responsible, but any clean-up will be the responsibility of the former gas station owner. Lastly, he stated that the only remediation that will be required will be the installation of wells to pump out the contaminated water. The required permits will not be difficult to obtain.

Mayor Cooper asked for assurance whether Golf Course Road will be an entrance and access point. Public Works Director Butler confirmed that there would be an access at this road and there might be some use initially, but the signalized intersection at West A Street and Skywest will be the primary access point and the most convenient.

Council Member Halliday expressed her concerns that the other stores are not identified, including the junior anchor store, and she asked who would be tenants that might sell alcohol beverages. She reiterated the letter submitted by the Friends of HARD. She inquired whether there was any kind of control of such tenants in relation to the sale of alcohol. Principal Planner Patenaude reiterated that Target agreed not to sell alcohol beverages and that potential tenants will not need additional permits as they would be under the jurisdiction of the City Code related to their particular use, except that those selling alcohol would need a permit. The City ordinance exempts restaurants and retails business over 10,000 square feet. She also asked about the trees in the area and commented on Condition #10

related to delivery trucks. Principal Planner Patenaude responded that the specific trees would need to be equated and as mature trees are removed, they must be replaced. He also noted that the condition related to exiting from Golf Course Drive will be re-worded to eliminate that condition as Target has agreed to a better solution.

Council Member Halliday asked how the process for selling the property was resolved and asked if a public hearing was required. Public Works Director Butler expanded on the process, noting that in accordance to regulations in selling public property, it was offered to all public and non-profit agencies prior to its sale.

Council Member Quirk asked why the City is selling the property as opposed to leasing it. Public Works Director Butler responded that with this type of project, it would not be feasible for the City.

Council Member Ward asked about truck egress and commented on the tightness at the driveway. Staff noted that the graphic presented was not to scale.

Council Member Henson expressed concern that there may be increased jay-walking from the park. Public Works Director Butler reported that this will be included in the six-month study and monitoring. Barriers or center fences may be considered similar to those on Hesperian Boulevard near Rte. 92 that were installed to prevent students from jay-walking to the fast food locations. This will be evaluated.

Mayor Cooper opened the public hearing at 9:30 p.m.

Allan Franke, Board of Director of the Skywest Townhouse Homeowners Association, stated the he supports the Browman Development Company, but was concerned about the parking and other safety issues. He stated that the City's traffic study was grossly underestimated. He estimated that over 300 parking spaces could be used by Kennedy Park users arriving prior to the Target store opening for business. He suggested a parking garage. He asked that the traffic monitoring be done prior to the construction rather than the promised monitoring by the developer.

John Kyle suggested moving the amusements to another park. He urged Council to consider the children in the South Garden and Longwood and their need for play areas.

John Roden submitted a statement with his concerns and asked about the 230 trees in that area, the grounds, the applicant, the traffic, the appraisals and the buy-out amounts.

Mike Villaba spoke in opposition to the traffic recommendations and suggested Golf Course Road be closed. He was of the opinion that this be sent back to staff to re-work this issue.

Mary Clemons, a Board Director of the Skywest Townhouse Homeowners Association, stated that she supports the retail center, but requested a 90-day delay of this approval to resolve the issues as presented. She noted that no communication has been made from Browman Development. She questioned where the delivery trucks would be entering. Additionally, she noted that her association is opposed to any carry out alcohol sales at the junior anchor or other tenant stores due to the close proximity to Kennedy Park and emphasizing that Kennedy Park is an alcohol free park. She disagreed with the agenda report in regards to the association's issues. As there is only one ingress and egress from the Skywest homes, she experienced with the traffic problems at Golf Course Road. She



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disagreed with the traffic engineer's report and noted that diagonal parking on the north side requires residents to stop when autos are pulling out. She felt that additional diagonal parking on the south side will compound this issue. Lastly, she emphasized the need for safety for the children.

Council Member Halliday asked Principal Planner Patenaude to reiterate the action that will be considered this evening and asked to what extent the public would be provided opportunity to comment on the proposal. Principal Planner Patenaude stated that the six-month period for study is not expected to require another public hearing, however staff has promised Skywest Homeowners' Association to include them prior to determining the final conclusions. He added that the precise plan is approved by the Planning Director, if it is consistent to the preliminary approval. If there are significant revisions those would need to be referred to the Planning Commission. He noted that staff will include Skywest Townhouse Homeowners Association in the discussion. The road activity on Golf Course Road falls outside the scope of the precise plan and is a process that was promised to be studied.

In response to Council Member Ward's question on how potential additional conditions be imposed on the developer upon completion of the six-month traffic and parking study, City Attorney O'Toole stated that any future recommendations by the Public Works Director or the Traffic Engineer would be implemented and explicitly included in this action. Public Works Director Butler stated that Target will be the center of the study and will begin at the opening of the store.

Council Member Ward asked about the travel patterns of delivery vehicles. Staff indicated the delivery routes for all stores would be entering off of A Street and exiting through the signalized intersection.

Betty Moose, President of the San Lorenzo Heritage Society, spoke on its behalf and distributed information regarding this group. She urged that the parking remain as the Society is considering action to build a museum-type barn in the park. She asked that Golf Course Road not be used for this project and expressed concerns with traffic congestion.

Nickolas Halbach, representing Friends of Hayward Area Recreation District, reported that he has gathered 700 signatures to request a 90-day delay to resolve issues that include dialogue with the City Council. He presented the documents for the record, noting that a major concern was placing another 'big box' on the Hesperian corridor. He urged continued use of the park and indicated that his group is not opposed to the project. He commented on the impacts to local traffic and safety of those visiting the park. He urged no vehicle access to the shopping center from Golf Course Road. Mr. Halbach also commented on the impacts to the view and recommended a buffer zone with redwood trees, a wall and crosswalks from the shopping center, which he felt would mitigate the impact. He re-affirmed that this was a newly formed group.

Howard Beckman submitted a statement related to this matter. He stated that this project is a significant planning challenge. He asked that the Council consider conducting a study to develop an area plan. In his opinion, the project is urgent for Target, but not for the public. He felt that the

driving reason for this project is to provide financial support for the airport and is not good planning.

Samantha Bloodhart stated that she has the documents pertaining to the signatures as described by Mr. Halbach, a previous speaker. She reiterated his comments noting that she requested the same at the Planning Commission public hearing and was not notified of the sale of the property. Ms. Bloodhart expressed her concerns as she is a business owner in the area. She also emphasized the request for a 90-day delay and recalled that parking at the theater was a cooperative effort.

Eric Willyerd, General Manager HARD, spoke on the successful relationship enjoyed with the City involving great projects. He enumerated the more recent projects as planning partners. He affirmed that HARD has an open dialogue with the City to resolve these very important issues. He stated the concerns are the loss of overflow parking that includes over 300 parking spaces. He commented on the loss of State funding that has impacted the organization. It was his desire to see Kennedy Park expand. He emphasized that safety is a huge concern for those crossing Golf Course Road, noting that City staff has been agreeable to allow other portions of the site that are not under construction during the development project. The District has hired a civil engineer to look at the parking issue. He reported that the San Lorenzo Unified School District has allowed HARD to install an additional 100 parking spaces to be added to Bohannon playing fields. Some of the museum-barn will take some parking spaces, but with some re-evaluation approximately sixty additional parking spaces will be installed. He commented on the conditions of the tennis courts that may be replaced. He suggested a joint use of parking for both shoppers and park visitors. He noted that HARD is considering upgrading other destination parks in Hayward. No new facilities have been added to Kennedy Park and it cannot accommodate large events. Its current priority is to provide an alcohol/drug-free clean park. He pointed out that HARD will continue to work with the City and urged a raised hump walkway at the driveway between the proposed development and the park to slow down traffic and agreed that a barrier fence installed in the landscape from Hesperian to eliminate any jaywalking is needed.

Council Member Ward commented on the proposal to install a pedestrian barrier fence on the southern side of Golf Course Road from the driveway heading toward Hesperian. He asked staff to review the existing landscaping and the proposed improvements along Golf Course Road. There was discussion on whether a berm or barrier or shrubs might work to resolve the issue. Drainage would need to be considered when installing a raised hump at the driveway.

Council Member Jimenez asked Mr. Willyerd if HARD has agreed with the proposed six-month study. Mr. Willyerd stated that HARD has agreed to the study and to work with City staff.

Darryl Browman, representing Browman Development Company, Inc., spoke on behalf of his business organization and its reputation working with Hayward for the past fifteen years. He described the numerous projects that Browman has partnered with including the project across the street from City Hall that includes Albertsons. He reported that with the purchase of the old Palmtag Building, there will be some additional businesses with a historical architecture. He enumerated the benefits of this catalyst project for future redevelopment. He described the quality amenities for the neighborhood and estimated that this project could produce 450-500 new jobs and generate an excess of \$50 million sales tax revenue. He indicated that Target and Browman have made efforts to meet with the neighborhood and has redesigned the delivery truck access and worked out issues with the loading docks. He stated that Target agreed to the conditions of approval including the restriction of alcohol sales. He



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commented on the six-month study, noting that adjustments can be made at the end to address any surfacing issues. Lastly, he stressed the importance of approving this project as Target is closing its store at Lewelling and the 880 Freeway, with the potential of losing 350 jobs if Target does not maintain this timeline. In response to a Council question, he reported that Target Stores recently sold Mervyns.

Council Member Halliday asked Mr. Browman if it would harm the junior anchor if there was a condition that prohibited the sale of distilled spirits. Mr. Browman stated that it would eliminate Cost Plus as a tenant. He did agree to provide an appropriate raised berm or decorative fence and noted the trellis on the Target building.

Council Member Henson acknowledged the quality projects of Browman and appreciated Mr. Browman's willingness to step up to the plate and work with staff to address the safety concerns. He asked what type of junior anchor might fit. Mr. Browman felt that some type of higher quality market such as a Cost Plus would make an excellent junior anchor.

Council Members urged diversity in the tenants and suggested that the new shops not duplicate what is currently at the Albertson's shopping area. In regards to the shopping cart issue, there is a condition included for their maintenance. Mr. Browman then introduced Target Project Manager John Dewes and announced that Target would be using an electronic lock system to maintain its shopping cart inventory.

Victor De Melo, Director of Development for Target, reported that he met with the neighbors. He indicated that Target will be a long-term center that will be vibrant for the neighborhood. He felt that it was incumbent upon Target to address neighborhood needs in terms of tenants. In terms of landscaping, he indicated that Target is proposing a double row of coast evergreen redwoods near the exit of Clubhouse Drive to provide a greening effect. In working with staff, there is a proposal to add maple trees on a section near the main driveway on Golf Course Road.

Mayor Cooper thanked Mr. De Melo for Target's decision in not selling alcohol.

Ralph Padilla, a Longwood neighborhood resident, commented that this is a good project, commended staff and endorsed this excellent development at the airport.

Liz Morales appreciated that HARD does not allow alcohol at its parks. She urged the community to not allow another outlet that sells alcohol. She cautioned against stores that have been cited for selling to minors.

Mayor Cooper closed the public hearing at 10:46 p.m.

Council Member Ward acknowledged all of those present, in particular the Skywest Townhouse

Homeowners Association, who expressed their concerns related to this project. He believed that this project could be implemented in a manner that would be sensitive to the needs of the park site as well as the needs of the residents at the Skywest homes complex. He moved approval of the project based on staff's recommendations with two additional conditions; one would require electronic monitoring of shopping carts. The second condition would be as recommended by HARD General Manager Willyerd to include the study. He did not quite understand the reasoning by those requesting a delay in its approval.

Council Member Dowling seconded the motion and asked whether Golf Course Road might be safer if a crosswalk were installed in the area of concern. He commented that this is not a new use for the area and Hesperian Boulevard as Home Depot was. There are already people using the area. He was confident that Browman would build a good project. He spoke in favor of Target as an employer and a company that gives back to its community. He agreed with the planting of about 20 trees that will enhance the landscape. He hoped that Cost Plus would be part of this project and commented that it does not sell cold beverages. Lastly, he was not in favor of the 90 day delay as the issues to be resolved will be evaluated and addressed.

Public Works Director Butler reported that the area of concern will be evaluated and the suggestion of a crosswalk will be considered.

Council Member Halliday announced that she would support the motion, but requested a friendly amendment to add a condition that would restrict the sale of distilled spirits to only non-refrigerated beer and wine to any occupant or junior tenant in the building. As Council Member Ward did not accept her friendly amendment, she reported that she would not be supporting the motion without that condition. She did think that the developer had made efforts to address the concerns of the community. She felt that the berm solution was a better suggestion.

Council Member Quirk stated that he would be supporting the motion. He reiterated as previously suggested by the maker of the motion that the motion include a modification to Condition #10 to strike "that trucks may exit at A Street." He also suggested the motion include a condition that upon completion of the six-month review of the traffic on Golf Course Road, that the developer comply with the direction of the Public Works Director. Council Member Ward accepted these clarifications.

Council Member Jimenez reported that he would be supporting the motion.

Mayor Cooper stated that she would be supporting the motion, noting that parking issues have occurred for years at Kennedy Park. She appreciated concerns as expressed by General Manager Willyerd. She felt that this was a good project.

Council Member Henson appreciated the concerns of COMPREE but felt that this area needs a diversity of retail. It is a good project and the developer knows what the Council expects. He would have preferred to see a small electronic reader board at the northwest corner that announces Kennedy Park, but also cautions children crossing. He suggested the developer consider some sort of digital reader board.

Council Member Halliday expressed her appreciation by her colleagues related to Cost Plus, but was also concerned that Cost Plus has not been secured and another tenant may not maintain the standard



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of this company.

It was moved by Council Member Ward, seconded by Council Member Dowling, and carried by the following roll call vote to adopt a resolution and introduce an ordinance entitled:

AYES: Council Members Jimenez, Quirk, Ward, Dowling,
Henson
MAYOR Cooper
NOES: Council Member Halliday
ABSENT: None
ABSTAINED: None

Resolution 05-102, "Resolution Adopting the Mitigated Negative Declaration, Approving the Zone Change for Planned Development Application No. PL 2005-0223 and Conditionally Approving the Preliminary Development Plan"

Intro Ordinance 05-_, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located at 19901, 20413, 20455, and 20499 Hesperian Boulevard Street Pursuant to Zone Change Application No. 205-0223"

6. Appeal of Planning Commission Approval of Variance No. PL-2005-0124 – Ryan Akin (Applicant/Owner) - Request to Allow a Bedroom Addition with a One-Car Carport and an Uncovered Parking Space Where a Two-Car Garage is Required - The Property Is Located at 1090 Highland Boulevard, in a Single-Family Residential (RS) Zoning District (*continued from 7/12*)

Staff report submitted by Associate Planner Emura, dated July 19, 2005, was filed.

Principal Planner Patenaude made the report, noting that this was continued to allow the applicant to work with staff related to the unused portion of the right of way between Highland and the property line. He reiterated the applicant's proposal to add a bedroom, which requires compliance with the City's parking regulations. The staff recommendation is to require two parking spaces covered by a carport. The access would be fairly similar to the current situation except that both spaces must be placed under a carport. This proposal would allow the existing retaining wall to remain. There would need to be an alteration to the property with a new retaining wall along the driveway with new steps into the home. The new wall would allow the driveway a proper slope to access the parking spaces. There would be five feet of landscaping between the carport and the sidewalk. The applicant remains firm in his proposal to retain uncovered parking spaces and the automobiles would back out directly from the spaces into the street. Staff is concerned with the 30-40% slope where the parking standards

call for no more than a 10% slope. Staff is proposing a recommendation, including a carport, which would be less destructive to the property in the long term.

Council Member Jimenez asked if the City was liable for use of the City's right of way. Staff noted that the applicant would be required to enter into an encroachment agreement with the City that requires insurance.

Mayor Cooper opened the public hearing at 11:08 p.m.

Ryan Akin, the applicant, stated that he did not have more to state than was previously stated. He did mention that currently he uses the area for two automobiles. He was not interested in constructing new retaining walls, nor a carport or a garage. He showed photos of adjacent parcels and uses of the fifteen foot right of ways for parking. He felt that it was not fair that multiple owners on his street that use the right of way and he has been restricted.

Council basically reiterated its concerns. Council asked about the requirement for the proposed retaining wall and commented on the lack of parking on that street and the City's efforts to get this portion of the driveway up to sufficient grade. Council Member Halliday commented that this retaining wall is more to the right than what was previously recommended. It was noted that the existing retaining wall would remain.

Mayor Cooper closed the public hearing at 11:16 p.m.

It was moved by Council Member Quirk, seconded by Council Members Ward and Jimenez, and unanimously carried to adopt the following:

Resolution 05-103, "Resolution Approving Variance Application No.
PL 2005-0124"

LEGISLATIVE BUSINESS

7. Consideration of Amending Hayward Municipal Code Relating to the Establishment of Contribution Limitations and a Voluntary Campaign Expenditure Limit for Elections to City Offices (*Continued from 7/5 & 7/19*)

Staff report submitted by City Attorney O'Toole, dated July 19, 2005, was filed.

City Attorney O'Toole made the report, noting the previous discussions for modifying the current ordinance. He added that the definition for contribution would be modified to clarify the in-kind contribution to be consistent with State law. In regards to an election term, it would be the same term as the term to which a member is elected. The last proposed modification would be to require a notice of violations be sent prior to any action taken to allow the candidate opportunity to make corrections.

Mayor Cooper opened the public hearing at 11:20 p.m.



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Al Mendall commended City Attorney O'Toole for his efforts towards improving the language in the ordinance. He noted two recommendations that he desired to see in the ordinance and discussed during the work session. First, he suggested that the campaign disclosure forms be posted on the websites and second, that candidate campaign mailers be submitted to the City Clerk.

Discussion ensued with the recommendation that the two suggestions as submitted by CASH members, one, to require the City Clerk to post the disclosure documents on the City's website during the election cycle be a goal of the City Clerk. It was the consensus of the Council to not consider the second CASH suggestion which requires the candidates file copies of their mailers to the City Clerk.

Lou Flipovich commented on public meetings and asked if the City was chartered.

Mayor Cooper responded that Hayward is a charter city and closed the public hearing at 11:25 p.m.

It was moved by Council Member Quirk, seconded by Council Member Ward, and unanimously carried to request that the City Clerk make it a goal to post the campaign reports on the City's website during the election session and adopt the following:

Intro Ordinance 05-__, "Ordinance Amending Chapter 2, Article 13 of the Hayward Municipal Code Relating to Campaign Contribution and Expenditure Limits"

COUNCIL REPORTS

There were no reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 11:30 p.m., with Council Member Jimenez adjourning in memory of Former Fire Captain Bill Singer.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency